



Senate

General Assembly

File No. 114

January Session, 2003

Substitute Senate Bill No. 41

Senate, April 1, 2003

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR
MEDICALLY NECESSARY NUTRITIONAL FORMULA AND FOOD
PRODUCTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-492c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) For purposes of this section:

4 (1) "Inherited metabolic disease" [means] includes (A) a disease for
5 which newborn screening is required under section 19a-55; and (B)
6 cystic fibrosis.

7 (2) "Low protein modified food product" means a product
8 formulated to have less than one gram of protein per serving and
9 intended for the dietary treatment of an inherited metabolic disease
10 under the direction of a physician.

11 (3) "Amino acid modified preparation" means a product intended
12 for the dietary treatment of an inherited metabolic disease under the
13 direction of a physician.

14 (4) "Specialized formula" means a nutritional formula for children
15 up to age three that is exempt from the general requirements for
16 nutritional labeling under the statutory and regulatory guidelines of
17 the federal Food and Drug Administration and is intended for use
18 solely under medical supervision in the dietary management of
19 specific diseases.

20 (b) Each individual health insurance policy providing coverage of
21 the type specified in subdivisions (1), (2), (4), (6), (11) and (12) of
22 section 38a-469 delivered, issued for delivery or renewed in this state
23 on or after October 1, 1997, shall provide coverage for amino acid
24 modified preparations and low protein modified food products for the
25 treatment of inherited metabolic diseases if the amino acid modified
26 preparations or low protein modified food products are prescribed for
27 the therapeutic treatment of inherited metabolic diseases and are
28 administered under the direction of a physician.

29 (c) Each individual health insurance policy providing coverage of
30 the type specified in subdivisions (1), (2), (4), (6), (11) and (12) of
31 section 38a-469 delivered, issued for delivery or renewed in this state
32 on or after October 1, 2001, shall provide coverage for specialized
33 formulas when such specialized formulas are medically necessary for
34 the treatment of a disease or condition and are administered under the
35 direction of a physician.

36 (d) Such policy shall provide coverage for such food products and
37 formulas on the same basis as outpatient prescription drugs.

38 Sec. 2. Section 38a-518c of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2003*):

40 (a) For purposes of this section:

41 (1) "Inherited metabolic disease" [means] includes (A) a disease for

42 which newborn screening is required under section 19a-55; and (B)
43 cystic fibrosis.

44 (2) "Low protein modified food product" means a product
45 formulated to have less than one gram of protein per serving and
46 intended for the dietary treatment of an inherited metabolic disease
47 under the direction of a physician.

48 (3) "Amino acid modified preparation" means a product intended
49 for the dietary treatment of an inherited metabolic disease under the
50 direction of a physician.

51 (4) "Specialized formula" means a nutritional formula for children
52 up to age three that is exempt from the general requirements for
53 nutritional labeling under the statutory and regulatory guidelines of
54 the federal Food and Drug Administration and is intended for use
55 solely under medical supervision in the dietary management of
56 specific diseases.

57 (b) Each group health insurance policy providing coverage of the
58 type specified in subdivisions (1), (2), (4), (6), (11) and (12) of section
59 38a-469 delivered, issued for delivery or renewed in this state on or
60 after October 1, 1997, shall provide coverage for amino acid modified
61 preparations and low protein modified food products for the treatment
62 of inherited metabolic diseases if the amino acid modified preparations
63 or low protein modified food products are prescribed for the
64 therapeutic treatment of inherited metabolic diseases and are
65 administered under the direction of a physician.

66 (c) Each group health insurance policy providing coverage of the
67 type specified in subdivisions (1), (2), (4), (6), (11) and (12) of section
68 38a-469 delivered, issued for delivery or renewed in this state on or
69 after October 1, 2001, shall provide coverage for specialized formulas
70 when such specialized formulas are medically necessary for the
71 treatment of a disease or condition and are administered under the
72 direction of a physician.

- 73 (d) Such policy shall provide coverage for such food products and
74 formulas on the same basis as outpatient prescription drugs.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

INS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Comptroller Misc. Accounts (Fringe Benefits)	Various - None	None	None
Insurance Dept.	IF - None	None	None

Note: IF=Insurance Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	STATE MANDATE - Cost	Potential Indeterminate	Potential Indeterminate

Explanation

The bill amends provisions regarding required health insurance coverage for medically necessary nutritional formula and food products to treat cystic fibrosis. The state employee and retiree health plans provide this coverage so there is no impact to the state.

Municipal Impact:

To the extent that the coverage required under the bill is not currently provided under a municipality's employee health insurance policy, there may be increased municipal costs to provide it. The bills impact on municipal health insurance costs will vary by municipality depending on the current coverage and cannot be determined.

OLR Bill Analysis

sSB 41

AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR MEDICALLY NECESSARY NUTRITIONAL FORMULA AND FOOD PRODUCTS**SUMMARY:**

This bill extends coverage under certain individual and group health insurance policies for certain food preparations and formulas to treat cystic fibrosis by adding it to the definition of "inherited metabolic disease." The bill also requires policies to cover these food preparations and formulas used to treat all such diseases the same way they cover outpatient prescription drugs.

EFFECTIVE DATE: October 1, 2003

POLICIES SUBJECT TO THE COVERAGE MANDATE

The bill requires individual and group health insurance policies that pay for (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, (4) accident expenses, (5) hospital or medical expenses, and (6) hospital and medical expenses paid by HMOs. Coverage takes effect on or after October 1, 2003 and applies to policies delivered, issued for delivery, or renewed in Connecticut after that date.

BACKGROUND***Inherited Metabolic Disease***

Newborn infants must be tested for phenylketonuria, hypothyroidism, galactosemia, sickle cell, maple syrup urine disease, homocystinuria, biotinidase deficiency, congenital adrenal hyperplasia, and such other illnesses of metabolism as the Public Health Department prescribes.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 13 Nay 3